

(2013) 09 DEL CK 0034

In the Delhi High Court

Case No : Writ Petition (C) 6225 of 2013 and CM No's. 13633-34 of 2013

Vijay Goel

APPELLANT

Vs

Delhi State Industrial And Infrastructure Development
Corporation Ltd. and Others

RESPONDENT

Date of Decision : 30-09-2013

Acts Referred:

Citation : (2013) 09 DEL CK 0034

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : Sunil Goel, for the Appellant; Renuka Arora, for DSIDC, for the Respondent

Final Decision : Dismissed

Judgement

V.K. Jain, J.—The petitioner who was carrying business in the name of M/s. A.V. Upper Udyog, applied for allotment of an alternative industrial plot under the scheme framed by the respondents for Relocation of Industries being run in non-confirming areas. Some of the applicants under the aforesaid scheme were allotted plots in Phase-I of Bawana Industrial Area. Since no such allotment was made to the petitioner and his claim was rejected, he filed W.P. (C) No. 4114/2007 before this Court. Vide order dated 19.11.2011, this Court directed reconsideration of the case of the petitioner followed by a speaking order by the Commissioner of Industries. Vide communication dated 9.3.2010, the petitioner was informed that the Industrial Land Management Advisory Committee had recommended allotment of 150 square meter plot to him. However, the Land and Flat Allotment Committee took the view that the petitioner was entitled for allotment of plot measuring 200 square meter. Vide communication dated 13.3.2013, the petitioner was informed that he had been declared provisionally eligible for allotment of an alternative plot measuring 200 square meter. This was followed by an allotment letter dated 10.4.2013 allotting a specific plot measuring 200 square meter in Sector-C of Bawana, Phase-II (Bhorgarh). The

allotment was made by way of a computerized draw of lot held on 28.3.2013. The petitioner applied for change of the allotment. Vide communication dated 20.5.2013, he was informed that the allotment was made by way of a draw, there is no provision for change or inter-change of specific number and DSIDC had allotted more than 22000 plots at different locations. Being aggrieved, the petitioner is before this Court seeking allotment of a plot to him in Phase-I of Bawana Industrial Area @ Rs. 4200 per square meter as against the demanded amount @ Rs. 15566/- per square meter. A perusal of order dated 19.11.2009 passed in W.P. (C) No. 4114/2007 would that while directing re-consideration of the matter by the Commissioner of Industries, this Court did not direct that in the event of his being found eligible for allotment of a plot, under the aforesaid scheme, allocation will be made to him in Phase-I and/or at the rate of Rs. 4200 per square meter. The only direction given in the said order was for re-consideration of the case of the petitioner on the basis of documents being relied upon by him. Since no direction in the aforesaid order was given by this Court for allotment in a particular phase or at a particular rate, the petitioner cannot have no grievance if in the public draw held by the respondent a plot in Phase-II of Bawana has been allotted to him. It appears from the communication dated 10.4.2013 that the alternative industrial plots were available with DSIDC in Bawana Phase-I as well as in Phase-II and during the computerized draw of lots some of the eligible applicants were allotted plots in Bawana Phase-I whereas others were allotted in Phase-II. The provisional costs of the plots charged from the allottees in Phase-I was Rs. 17173 per square meter whereas the cost charged from the allottees in Bawana Phase-II was @ Rs. 15566/- per square meter. The petitioner has no legal right to allotment of plot in a particular phase of Bawana Industrial Area. The petitioner has been considered along with other eligible candidates and it is a matter of chance that the plot allotted to him in the computerized draw of lots falls in Phase-II. If the petitioner does not want allotment of plot in Phase-II, nothing prevents him from not accepting the said allotment, but, he cannot insist upon allotment in Phase-I alone.

2. As regards the cost of the plot, the petitioner has been charged provisional costs as applicable on the date of allotment and no exception can be taken to charging such cost when this Court while deciding previous petition filed by the petitioner did not direct allotment of plot at the old rate prevailing at the time when some other applicants under the relocation scheme were allotted such plots.

For the reasons stated hereinabove, I find no merit in the petition and the same is hereby dismissed. There shall be no orders as to costs.